

D1HLWALS

Sentence

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

11 CR 424 (NRB)

5 CHAIM WALTER,

6 Defendant.

7 -----x

8 New York, N.Y.  
9 January 17, 2013  
3:47 p.m.

10 Before:

11 HON. NAOMI REICE BUCHWALD,

12 District Judge

13  
14 APPEARANCES

15 PREET BHARARA

United States Attorney for the  
Southern District of New York

16 JANIS ECHENBERG

17 Assistant United States Attorney

18 JACOB LAUFER, P.C.

Attorneys for Defendant

19 BY: JACOB LAUFER

SHULAMIS PELTZ

20 ALSO PRESENT: RYAN GIBBS, Department of Labor

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1 (Case called)

2 THE COURT: All right. Let me just begin by  
3 confirming as I always do that I've received everything I  
4 should have with respect to the sentencing.

5 I have the report of the probation office bearing a  
6 cover memo dated to me of January 8, 2013. And I have the  
7 defendant's presentence memorandum which looks like I received  
8 on January 10 with a number of exhibits.

9 Are there any other documents I should have received  
10 in connection with this sentencing?

11 MS. ECHENBERG: No, your Honor.

12 MR. LAUFER: No, your Honor.

13 THE COURT: Can I confirm that both parties have  
14 received a copy of the report of the probation department?

15 MR. LAUFER: We have received it, your Honor.

16 MS. ECHENBERG: And the government has received it,  
17 yes.

18 THE COURT: Mr. Laufer, have you had a chance to  
19 review it with Mr. Walter and do you have any objections to it?

20 MR. LAUFER: Your Honor, we have reviewed it together  
21 and we do not have objections.

22 THE COURT: Does the government have any objections?

23 MS. ECHENBERG: No, your Honor. I would just note in  
24 paragraph 15 that Abraham Flom has pled guilty and charges  
25 remain against the other defendants listed in that paragraph.

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1 THE COURT: Mr. Laufer.

2 MR. LAUFER: Your Honor, I will be relatively brief.

3 Chaim Walter has led a praiseworthy life. He is a  
4 person whose decency and good nature is recognized by virtually  
5 everyone around him. It has been said, an old folk saying,  
6 your Honor, that there are givers and takers. There are people  
7 whose natural inclination is to give and others whose natural  
8 inclination is to take. And in my own experience, normally the  
9 people who do become enmeshed in the criminal justice system  
10 tend to be people who are takers.

11 Chaim Walter, your Honor, is a giver, as has been  
12 shown in the letters to the Court. He is a modest man. He's  
13 been reluctant to ask people for letters. Very often there are  
14 more letters that are submitted to the Court and it was with  
15 great reluctance that we got him to secure the gratitude back  
16 from people whom he has helped in his life. Some of the things  
17 he has done have been noteworthy, truly noteworthy in  
18 impacting, your Honor, on people's lives.

19 There is a young man named Elish Bachner who has  
20 written to the Court. He has written to the Court of his own  
21 despair, of his own disaffection from his own family, which  
22 found him at age about 15 years homeless, virtually homeless.  
23 And he was overnight basically sleeping in the synagogue.  
24 Noteworthy is that other people did not take note of this but  
25 Chaim Walter did take note of it and took the man aside and

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1 asked him if he was hungry, the young boy. And the young boy  
2 said yes he was. He bought him a sandwich. He contacted the  
3 parents. Ultimately, the boy stayed at the Walter home because  
4 he couldn't get along with his family for about four months, as  
5 the young boy relates.

6 He's written a couple sentences, just two sentences  
7 that I think are really moving to me. He's written, I'm 19  
8 years old, engaged soon to be married. Only four short years  
9 ago I didn't dare dream that marriage was at all possible,  
10 while he was going through a rough stage of his life. He  
11 writes, I will never forget Mr. Walter's kindness. He saved my  
12 life emotionally and physically.

13 We have the matter of Mr. Michaels who writes of his  
14 brother, less dramatic, but he writes of his brother who was a  
15 member of the community and had apparently torn himself from  
16 the community. Reading between the lines, he describes his  
17 brother as a guitar player who was associating with the wrong  
18 people. One can only imagine what the wrong people means in  
19 that context, but Chaim took the man under his wing. He  
20 reintegrated him into the community. He showed him how he  
21 could excel as a guitar player in the confines of the community  
22 and in a lawful, law-abiding manner.

23 There are references to foreign boys who come up to  
24 him and asked him to solicit funds on their behalf in order to  
25 enable them to become married. Mr. Goldhersh writes of his own

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1 kid who was depressed and who was failing.

2           These people, your Honor, just to put a little life to  
3 this, it is quite possible that without Chaim's intervention,  
4 they would sooner or later have found themselves in the  
5 position ironically that Chaim find himself before the Court,  
6 within the criminal justice system, but he brought them  
7 straight. He impacted, changed these people's lives.

8           Mr. Goldhersh writes of his teenage son. Similarly,  
9 the kid was rebelling. The kid was depressed. And,  
10 ultimately, Chaim took an interest. Chaim took an interest and  
11 was able to and was able to bring him to a normal status, to a  
12 status to a law-abiding, proper status, productive status  
13 within society.

14           There is the incident going back ten years ago where  
15 Chaim raised funds for a young woman who was blind or was  
16 becoming blind. This young woman, as it's related, was blind  
17 in one eye and was becoming blind in the other. And there was  
18 some articles. Chaim had gone out and solicited funds for this  
19 girl to enable her to have the surgery that she needed. And  
20 she is now, she is now a married person. She is now living, as  
21 best we can tell, a normal life.

22           There's one letter, your Honor, that I really would  
23 like to point out to the Court because it has indicia of being  
24 common but it is entirely uncommon. And what I'm referring to,  
25 your Honor, is the letter from Rabbi Porgis. Rabbi Porgis is

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1 the director of the school system for central UTA and he writes  
2 a letter. And I would assume that in other instances your  
3 Honor may have seen such letters in the past that when they  
4 were building a school, when they were building a synagogue,  
5 Chaim went out of his way and he helped him solicit funds. He  
6 took days off from work.

7 What's remarkable in that letter is that Rabbi Porgis  
8 describes Chaim as "a member of our congregation." A side bar  
9 here, your Honor, a side note. That particular Hasidic  
10 community has suffered a very dramatic rift over the past  
11 seven, eight or ten years. It's a rift within the Satmar  
12 community that has filtered its way into the courts and there  
13 are numerous litigations that bear the competing factions.  
14 This letter is written by a director of one of the factions.  
15 Chaim Walter is a member of the other faction. And Chaim  
16 Walter reached over the divide and was not looking at labels,  
17 was not looking at descriptions and factions and competitions,  
18 and he was helping the other side, literally, resulting in this  
19 particular letter, which I think is really quite significant in  
20 these circumstances.

21 His help to others, his help to people is not limited  
22 to within his own community. There's a letter from  
23 Ms. Masonette who has written to the Court how Chaim manages a  
24 building where she lived. He interceded with the landlord when  
25 she had lost her job and was unable to make the timely rental

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1 payments. She was grateful for that. But then there is that  
2 one step further, the one step further. And she writes that  
3 when one of her parents, her mother died, she was unable to  
4 fund a proper burial for her mother or proper funeral; and  
5 Chaim reached into his own pocket and lent her that money.

6 This is a big-hearted person, your Honor. He is a  
7 person -- and it's really ironic that he's here because other  
8 letters have written how he has tried to guide people, has  
9 taken kid on tours of courthouses in order to have the kid  
10 understand this is the system, this is the system wherein we  
11 live and we must abide. These are the functions of the various  
12 participants in the system.

13 He's a son. He's a son like any parent would only  
14 wish to have. He has two parents in faltering health, and  
15 there are really accounts of the degree to which they've come  
16 to depend on him. The father in a wheelchair, the mother with  
17 Crohn's disease and elderly and was described as weighing some  
18 80 some odd pounds.

19 One of the letters, filtered within one of the  
20 letters, and this is kind of like the added measure, describes  
21 his ability when doing a favor to people conveying to them not  
22 that he was doing them a favor but they were favoring him by  
23 enabling him to do a favor. And it's a particular kind of  
24 charity that is not self-centered, that is not egotistical, but  
25 it's genuine, sincere, trying to help people.

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1 His remorse, his remorse is sincere, your Honor. He  
2 has written to the Court. He didn't say no; he should have  
3 said no. And that will now be added to the argument that he,  
4 when he speaks to young people, when he speaks to young  
5 people -- and he writes how he's avoided business transactions  
6 that had a question mark around them his entire life. There  
7 was a quirkiness here about his dealings with a fellow named  
8 Lipa Teitelbaum. He pled guilty. He did wrong. He should  
9 have said no; he did not say no.

10 But he is a man who is sincere, dedicated, the kind of  
11 person who generates a feeling of warmth, of decency, of  
12 kindness. He is genuinely contrite, your Honor, and I would  
13 urge the Court be as lenient as is possible.

14 Thank you, your Honor.

15 THE COURT: Does the government want to say anything?

16 MS. ECHENBERG: Your Honor, I'll be very brief. As  
17 your Honor is aware, this defendant was one of the many people  
18 who served as an employment sponsor as part of the immigration  
19 fraud scheme and allowed his company to be used so that that  
20 scheme was able to succeed for a long period of time. Under  
21 the plea agreement, we have accounted for the defendant's role  
22 and the number of documents at issue which comes to a  
23 guidelines range of ten to 16 months. And it's the  
24 government's view that that guidelines range is sufficient but  
25 not greater than necessary to meet the factors set forth in



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1 Title 18, United States Code, Section 3553(a).

2 THE COURT: Mr. Walter, would you like to say  
3 anything?

4 THE DEFENDANT: Thank you, your Honor, for giving me  
5 the opportunity to speak. It's impossible to bring out the  
6 entire feelings of my heart and how remorseful and regretful I  
7 feel for what I've done. It's impossible to fix what I have  
8 done. It has changed my life forever. I have always watched  
9 and advised people to stay away from questionable business and  
10 here I am a convicted felon.

11 Your Honor, I was born into a very nice, warm family.  
12 It's a strict environment as how to behave. I am number eight  
13 of nine children growing up, and I'm ashamed that I'm the only  
14 member in the family that has ever been criminally involved.  
15 This is a pain forever and I will take that shame with me for  
16 the rest of my life. I have broken the law and it's difficult  
17 for me to face the young people that I have told not to break  
18 the law.

19 I ask your Honor to forgive me and understand me. I  
20 was ten years younger when I got involved with those people.  
21 It was a different life. I ask you again, your Honor, for  
22 forgiveness and understand that this pain will stay for me  
23 forever.

24 I would like to apologize with my devoted wife and  
25 children for putting them through this shame. Life has not

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1 been the same for the past 15 months. I was not the same  
2 husband, I was not the same father. It has been a very  
3 difficult chapter in my life. I was in my own prison. I did  
4 not have the opportunity to perform as a usual father and  
5 husband. It's impossible to bring back those 15 months, and  
6 it's impossible to take back the pain that I caused them. I  
7 will spend the rest of my life trying to make them -- make up  
8 for what I have hurt them.

9 I am grateful to my lawyers for educating me and  
10 helping me to deal with this stress during the difficult time,  
11 in particular Ms. Peltz for answering my panic emails in the  
12 middle of the night when I couldn't sleep.

13 Your Honor, every crime is a crime. Some people take  
14 it easier; some people take it hard. I'm a very emotional and  
15 giving, loving person. I have taken this very serious chapter  
16 in my life. My life has been devastated. I look at myself and  
17 I disbelieve and I'm ashamed. Please accept this as a very  
18 serious punishment. I don't know if this will ever go away.

19 Thank you, your Honor.

20 THE COURT: Mr. Walter, I think courts and judges  
21 sentence two kinds of people: bad people who do bad things and  
22 good people who do bad things. I think you're in the second  
23 category and you deserve to have me consider everything about  
24 your life that I've learned.

25 Accordingly, I'm going to place you on probation for a

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1 period of a year and a half and provide that as a special  
2 condition that you perform 150 hours of community service.

3 And there's a mandatory special assessment of \$100.

4 The mandatory conditions are imposed as well as the  
5 standard conditions. But of the ones listed on page 19 to 20,  
6 I am not imposing the home confinement condition.

7 Is there any request for forfeiture here?

8 MS. ECHENBERG: No, your Honor, there's not, but we do  
9 need to dismiss the remaining counts, Two, Three, and Four.

10 THE COURT: Okay. The motion is granted.

11 Is there anything else?

12 MR. LAUFER: Yes, your Honor. I wanted to request if  
13 that is possible, Mr. Walter, his grand rabbi's grandson is  
14 being married next week in Israel, and I was hoping that the  
15 Court might consider permitting him to travel to Israel.  
16 Probation normally will not allow travel during the first 60 or  
17 90 days or so of travel and we would need the Court's  
18 permission.

19 MS. ECHENBERG: We don't have an objection to that,  
20 your Honor.

21 THE COURT: Then he's free to go. Obviously, he needs  
22 to let his probation officer know --

23 MR. LAUFER: Yes, your Honor.

24 THE COURT: -- when he's going, where he's staying,  
25 when he's coming back.

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1 MR. LAUFER: And pretrial services would give him back  
2 his passport?

3 THE COURT: They will.

4 MR. LAUFER: Yes, your Honor.

5 THE COURT: Okay.

6 MS. ECHENBERG: I think this is probably academic, but  
7 if you could advise him that he waived his right to appeal in  
8 the plea agreement.

9 THE COURT: Do you recall that you did waive your  
10 right to appeal the sentence?

11 MR. LAUFER: We did waive our right to appeal. We are  
12 aware of whatever residual right to appeal may exist.

13 THE COURT: Okay. Very good. Thank you.

14 MS. ECHENBERG: Thank you, your Honor.

15 MR. LAUFER: Good afternoon, your Honor.

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